

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**WALLACE B. JAMES, aka,  
JAMES B. WALLACE,**

**Petitioner**

**CASE NO. 2:06-cv-130  
JUDGE SMITH  
MAGISTRATE JUDGE KING**

**v.**

**D. TIMMERMAN-COOPER, Warden,**

**Respondent.**

**OPINION AND ORDER**

On September 22, 2006, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus be dismissed as barred by the one-year statute of limitations under 28 U.S.C. §2244(d). Although the parties were specifically informed of their right to object to the *Report and Recommendation*, and of the consequences of their failure to do so, there has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED AND AFFIRMED**. This action is hereby **DISMISSED**.

**IT IS SO ORDERED.**

/s/ George C. Smith  
GEORGE C. SMITH  
United States District Judge